

**Shipment Receipt**  
Address Information

**Ship to:**  
Select or enter  
The Home Insur. Co. in Liquidation  
55 S COMMERCIAL ST

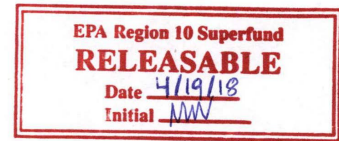
MANCHESTER, NH  
031012606  
US  
800-347-0014

**Ship from:**  
Diane Freng for LeAnne M. Bremer  
MILLER NASH LLP  
500 E. Broadway  
Suite 200  
Vancouver, WA  
98660  
US  
3606994771

**Shipping Information**  
Tracking number: 796724664411  
Ship date: 02/03/2011  
Estimated shipping charges: 16.50

**Package Information**  
Service type: Priority Overnight  
Package type: FedEx Envelope  
Number of packages: 1  
Total weight: 1LBS  
Declared value: 0.00USD  
Special Services:  
Pickup/Drop-off: Use an already scheduled pickup at my location

**Billing Information**  
Bill transportation to: MyAccount-720  
Your reference: 039391-0009  
P.O. no.:  
Invoice no.:  
Department no.:



Thank you for shipping online with FedEx ShipManager at fedex.com.

**Please Note**

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.



KG2004377

**PROOF OF CLAIM**

**The Home Insurance Company,**

Merrimack County Superior Court, State of New Hampshire 03-E-0106

Read Carefully Before Completing This Form

Please print or type

FOR LIQUIDATOR'S USE ONLY

DATE PROOF OF  
CLAIM RECEIVED

**The Deadline for Filing this Form is June 13, 2004.**

You should file this Proof of Claim form if you have an actual or potential claim against The Home Insurance Company of any of its former subsidiaries\* ("The Home") even if the amount of the claim is presently uncertain. To have your claim considered by the Liquidator, this Proof of Claim must be postmarked no later than June 13, 2004. Failure to timely return this completed form will likely result in the **DENIAL OF YOUR CLAIM**. You are advised to retain a copy of this completed form for your records.

1. Claimant's Name: Kaiser Gypsum Company, Inc.
2. Claimant's Address: c/o Mr. Charles E. McChesney II, Senior Counsel  
Three Rivers Management, Inc.  
One Oxford Centre, Suite 3000  
Pittsburgh, Pennsylvania 15216-6401
3. Claimant's Telephone Number: (412) 208-8839  
Fax Number: (412) 208-8803  
Email address: Charles.McChesney@hanson.biz

*If your name, address, e-mail address, or telephone number set forth above are incorrect, or if they change, you must notify the Liquidator so she can advise you of new information.*

4. Claimant's Social Security Number, Tax ID Number or Employer ID Number: (b) (6)
5. Claim is submitted by (check one):
  - a) ☒ Policyholder or former policyholder
  - b) ☐ Third Party Claimant making a claim against a person insured by The Home
  - c) ☐ Employee or former employee
  - d) ☐ Broker or Agent
  - e) ☐ General Creditor, Reinsurer, or Reinsured
  - f) ☐ State or Local Government Entity
  - g) ☐ Other; describe: \_\_\_\_\_

Describe in detail the nature of your claim. You may attach a separate page if desired. Attach relevant documentation in support of your claim, such as copies of outstanding invoices, contracts, or other supporting documentation.

See attached Question Five Addendum, tender letter to The Home Insurance Company dated December 17, 2010, and letter from The Home Insurance Company in Liquidation dated January 6, 2011.

6. Indicate the total dollar amount of your claim. If the amount of your claim is unknown, write the word "unknown", BUT be sure to attach sufficient documentation to allow for determination of the claim amount.

\$ Unknown (if amount is unknown, write the word "unknown").

7. If you have any security backing up your claim, describe the nature and amount of such security. Attach relevant documentation.

N/A

8. If The Home has made any payments towards the amount of the claim, describe the amount of such payments and the dates paid: N/A

9. Is there any setoff, counterclaim, or other defense which should be deducted by The Home from your claim?

NO

10. Do you claim a priority for your claim? If so, why: No

11. Print the name, address and telephone number of the person who has completed this form.

Name: Jeff Miller  
Address: 500 E. Broadway, Suite 400  
Vancouver, Washington 98660  
Phone Number: (360) 699-4771  
Email address: Jeff.Miller@MillerNash.com

**KG2004378**

\* The Home Indemnity Company, The Home Insurance Company of Indiana, City Insurance Company, Home Lloyds Insurance Company of Texas, The Home Insurance Company of Illinois, and The Home Insurance Company of Wisconsin.

12. If represented by legal counsel, please supply the following information:

- a. Name of attorney: Steven F. Hill
- b. Name of law firm: Miller Nash LLP
- c. Address of law firm: 500 E. Broadway, Suite 400  
Vancouver, Washington 98660
- d. Attorney's telephone: 360-689-4771
- e. Attorney's fax number: 360-694-6413
- f. Attorney's email address: Steve.Hill@MillerNash.com

13. If using a judgment against The Home as the basis for this claim:

- a. Amount of judgment N/A
- b. Date of judgment \_\_\_\_\_
- c. Name of case \_\_\_\_\_
- d. Name and location of court \_\_\_\_\_
- e. Court docket or index number (if any) \_\_\_\_\_

14. If you are completing this Proof of Claim as a Third Party Claimant against an insured of The Home, you must conditionally release your claim against the insured by signing the following, as required by N.H. Rev. Stat. Ann. § 402-C:40 I:

I, \_\_\_\_\_ (insert claimant's name), in consideration of the right to bring a claim against The Home, on behalf of myself, my officers, directors, employees, successors, heirs, assigns, administrators, executors, and personal representatives hereby release and discharge \_\_\_\_\_ (insert name of defendant(s) insured by The Home), and his/her/its officers, directors, employees, successors, heirs, assigns, administrators, executors, and personal representatives, from liability on the cause(s) of action that forms the basis for my claim against The Home in the amount of the limit of the applicable policy provided by The Home; provided, however, that this release shall be void if the insurance coverage provided by The Home is avoided by the Liquidator.

\_\_\_\_\_  
Claimant's signature

\_\_\_\_\_  
Date

15. All claimants must complete the following:

I, Charles F. McChesney II, Vice President of Kaiser Gypsum Company, Inc. (insert individual claimant's name or name of person completing this form for a legal entity) subscribe and affirm as true, under the penalty of perjury as follows: that I have read the foregoing proof of claim and know the contents thereof, that this claim in the amount of Unknown dollars (\$ Unknown) against The Home is justly owed, except as stated in item 9 above, and that the matters set forth in this Proof of Claim are true to the best of my knowledge and belief. I also certify that no part of this claim has been sold or assigned to a third party.

[Signature]  
Claimant's signature

2/2/2011  
Date

*Any person who knowingly files a statement of claim containing any false or misleading information is subject to criminal and civil penalties.*

16. Send this completed Proof of Claim Form, postmarked by June 13, 2004, to:

The Home Insurance Company in Liquidation  
P.O. Box 1720  
Manchester, New Hampshire 03105-1720

**You should complete and send this form if you believe you have an  
actual or potential claim against The Home  
even if the amount of the claim is presently uncertain.**

Question Five Addendum

Claimant's Name: Kaiser Gypsum Company, Inc.  
c/o Mr. Charles E. McChesney II, Senior Counsel  
Three Rivers Management, Inc.  
One Oxford Centre, Suite 3000  
Pittsburgh, Pennsylvania 15219-6401

Phone: (412) 208-8839  
Fax: (412) 208-8803  
Charles.McChesney@hanson.biz

FEIN: 94-1230188

5a. Describe in detail the nature of your claim.

The claim is described in the attached tender letter to The Home Insurance Company dated December 17, 2010.

5b. When did you first learn of the existence of your claim?

As explained in the attached tender letter, Kaiser Gypsum Company received a CERCLA Section 104(e) information request from the Environmental Protection Agency dated February 19, 2010. In the course of preparing to respond to the EPA, Kaiser Gypsum learned of the existence of approximately 10,000 boxes of historical documents that may contain information responsive to the EPA's information request. Because of the need to review this large volume of information in order to complete its legal obligation to respond to the information request, Kaiser Gypsum tendered the EPA's claims to The Home Insurance Company for defense and indemnity coverage by letter dated December 17, 2010.

Kaiser Gypsum was informed by letter dated January 6, 2011 that Home Indemnity is being liquidated and that Kaiser Gypsum needed to file a Proof of Claim form within 30 days.

5c. Why is there good cause for the Liquidator to accept the Proof of Claim after the filing deadline?

Kaiser Gypsum first learned of the existence of the EPA's Lower Duwamish River claim in February 2010 when EPA sent the 104(e) information request. The existence of the claim in the liquidation proceeding was not known to Kaiser Gypsum until it received the letter from The Home Insurance Company in Liquidation dated January 6, 2011. It submits this Proof of Claim form within 30 days of learning of the claim.

**KG2004380**



PORTLAND, OREGON  
SEATTLE, WASHINGTON  
VANCOUVER, WASHINGTON  
CENTRAL OREGON  
WWW.MILLERNASH.COM

500 East Broadway  
Suite 400  
Vancouver, Washington 98660-3324  
OFFICE 360.699.4771  
FAX 360.694.6413

Steven F. Hill, P.C.  
Admitted in Washington and Oregon  
steve.hill@millernash.com  
(360) 619-7004 direct line

December 17, 2010

**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

The Home Insurance Company  
Risk Enterprise Management, Ltd.  
59 Maiden Lane  
New York, New York 10038

The Home Insurance Company in Liquidation  
P.O. Box 1720  
Manchester, New Hampshire 03105-1720

Subject: Insured: Kaiser Gypsum Company, Inc.  
Insurer: Home Indemnity Company  
Policy No. (Periods): GA987013 (04/01/83-04/01/86)  
Claim: Lower Duwamish Waterway Superfund Site

The Home Insurance Company:

We represent Kaiser Gypsum Company, Inc. ("KGC"), in connection with the necessary investigation that it is undertaking in order to respond to the United States Environmental Protection Agency's ("EPA") February 19, 2010 request for information served on KGC pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e). Section 104(e) of CERCLA obligates KGC to respond to EPA's multi-part questions relating to KGC's historical ownership and operations on riparian property that KGC formerly owned along the Lower Duwamish Waterway ("LDW") in Seattle, Washington. The LDW is a waterway that has been listed on the CERCLA National Priorities List as a federal Superfund site (the "LDW Superfund Site") due to the release or substantial threat of release of hazardous substances in or around the waterway. Compliance with the EPA's Section 104(e) information request is required by law, and failure to respond may subject KGC to an EPA enforcement action and civil penalties of up to \$37,500 per day.

**KG2004381**



PORTLAND OFFICE  
SEATTLE OFFICE  
VANCOUVER OFFICE  
CENTRAL OREGON  
WWW.MILLERNASH.COM

The Home Insurance Company  
December 17, 2010  
Page 2

KGC is in the process of investigating its historical connection with the LDW. To date, we have only been able to confirm that KGC owned property and operated a gypsum plant at 5931 East Marginal Way S. in Seattle, Washington on the eastern side of the LDW (the "KGC Property") from 1952 to 1978. To date, KGC has not located any former officers or employees of KGC with knowledge of its operations at the KGC Property. On June 23, 2010, KGC filed a preliminary response to EPA's Section 104(e) information request based on the information we were able to gather from real property records, tax records, and certain historical documents that were previously gathered by KGC's defense counsel during KGC's defense of asbestos litigations.

We understand that at or around the time that it ceased active business operations, KGC collected certain of its business records and sent them to storage facilities in California. These documents cover a variety of historical information, and are believed to contain documents related to historical KGC operating facilities in multiple states, including Washington. KGC was able to locate certain indexes of the California documents, but these indexes were not created with EPA's Section 104(e) information request in mind. Therefore, it is very difficult to determine the extent of documents that might contain information responsive to EPA's Section 104(e) information request or the scope of document review that might be necessary to search for such documents. We do know, however, that there are approximately 10,000 boxes of historic documents stored in California.

During preparation of KGC's response to the Section 104(e) information request, we contacted EPA and informed EPA that these historical records existed. We also indicated to EPA that, given the volume of these historical documents, we would not be able to review them by the deadline EPA had imposed for KGC's response. EPA requested that KGC file a preliminary response to the Section 104(e) information request by its deadline using the information and documents readily available to KGC. EPA further requested that KGC agree to conduct a thorough review of the historical records and supplement its response to the Section 104(e) information request in the next few months.

At this time, our office has conducted a preliminary review of the available box indexes for the California documents and it is clear that some boxes may contain information responsive to EPA's Section 104(e) information request. In order to fully respond to EPA's Section 104(e) information request and avoid the imposition of liability on KGC for failing to have done so, counsel for KGC will need to conduct extensive searches of the California documents over the next few months and will need to supplement KGC's preliminary response, as appropriate, based on any responsive

KG2004382

039391-0009/VANDOC5:50144629.1



PORTLAND, OREGON  
SEATTLE, WASHINGTON  
VANCOUVER, WASHINGTON  
CENTRAL OREGON  
WWW.MILLERNASH.COM

The Home Insurance Company  
December 17, 2010  
Page 3

information identified as a result of such searches. In sum, KGC needs to undertake the process of conducting an investigation of the available information in order to complete its legal obligation to respond to EPA's Section 104(e) information request.

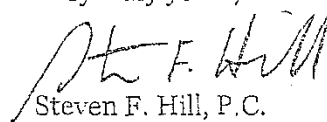
At this time, we do not know if KGC may have contributed to any contamination of the LDW Superfund Site. But as a former owner of property within the boundaries of the LDW Superfund Site, KGC is potentially liable for any contamination of the LDW Superfund Site that may have occurred during KGC's ownership and operation of the KGC Property. In order to assess its potential liability and to comply with its legal obligation to respond to EPA's Section 104(e) information request, KGC is obligated to complete its review of the historical corporate documents stored in California.

Based on our records, Home Indemnity Company ("Home") sold comprehensive general liability insurance policies to KGC or its parent Hanson Permanente Cement, Inc. (formerly known as Kaiser Cement & Gypsum Corporation and Kaiser Cement Corporation), naming KGC as an additional insured, during the period from 1983 through 1986. The specific Home policy that we have located to date is listed above.

The EPA's Section 104(e) information request requires KGC to defend itself from any claims that it is a liable party for the contamination discovered in the LDW Superfund Site. Accordingly, on behalf of KGC, we hereby put Home on notice of this claim and request that Home provide defense and indemnity coverage for this claim and any other claims against KGC that are related to the LDW Superfund Site.

If you have any questions, please e-mail me at [steve.hill@millernash.com](mailto:steve.hill@millernash.com) or call me at 360.699.4771.

Very truly yours,



Steven F. Hill, P.C.

KG2004383

039391-0009/VANDocs:50144629.1



THE HOME  
INSURANCE  
COMPANY IN  
LIQUIDATION



61 Broadway  
New York, New York 10006

Ronald F. Barta  
Senior Manager  
212 530 4054 Telephone  
212 530-6416 Fax  
[ron.barta@homeinsco.com](mailto:ron.barta@homeinsco.com)

Via Email

January 6, 2011

Steven F. Hill  
Miller Nash LLP  
500 East Broadway Suite 400  
Vancouver, Washington 98660-3324

Re: Insured: Kaiser Gypsum Company Inc.  
Claim: Lower Duwamish Waterway Superfund Site  
Claim No.: 0870523tbd

Dear Mr. Hill:

On behalf of the Liquidator of The Home Insurance Company ("Liquidator") this will acknowledge our receipt of correspondence from you making a claim under a policy of insurance issued by The Home Insurance Company (or a subsidiary<sup>1</sup>) received in our office on the above captioned date. We have assigned the identified claim number and request that you reference same in all communications with this company.

As you may know, Home was found to be insolvent and ordered liquidated by the Superior Court of Merrimack County, New Hampshire by Order dated June 11, 2003 (revised by Order of June 13, 2003). As a result of the Order of Liquidation, **Home can no longer defend its insureds in current or future litigation, or indemnify them for settlements, judgments or litigation expenditures, or contribute to any settlement or pay any judgment rendered.** Therefore, your client may need to provide for their own defense and pay any settlement or judgment as a result of the above captioned claim.

**If you have not already filed a Proof of Claim (POC) that would include this matter, to protect your rights, you should file a POC with Home's Liquidator. It is not**

<sup>1</sup> The Home Indemnity Company, City Insurance Company, Home Lloyds Insurance Company of Texas, The Home Insurance Company of Illinois, The Home Insurance Company of Wisconsin and The Home Insurance Company of Indiana were previously merged into The Home Insurance Company ("Home").



THE HOME  
INSURANCE  
COMPANY IN  
LIQUIDATION



necessary that you know the exact amount of your claim at the time you file a POC. If you do not file a POC, the Liquidator will not consider your claim for eligibility to receive assets that may, in the future, be distributed from the Home estate to its creditors.

The Order of Liquidation set the claim filing deadline for Proofs of Claim in The Home estate at June 13, 2004. Your Proof of Claim form, should you decide to file one, will be filed after that date. New Hampshire Statutes provide that, under certain circumstances as specified in NH RSA § 402-C.37 II, III, claimants who make late filings may participate in distributions subject to certain conditions as outlined in the statutes. Please file your Proof of Claim and provide a complete written explanation of the timing of your Proof of Claim filing within thirty (30) days of the date of this letter. As part of your written explanation, please specify:

- 1) when you first learned of the existence of your claim; and
- 2) why there is good cause for the Liquidator to accept the Proof of Claim after the filing deadline.

**The Proof of Claim will be reviewed in accordance with the court approved claim procedures and if the foregoing explanation is not furnished your claim may be considered an unexcused late filing (NHRSA § 402-C.37 III) subject to disallowance or a diminished distribution opportunity.** Further information concerning The Home Insurance Company in Liquidation, including the Order of Liquidation, Proof of Claim forms and instructions for filing is available at the web site of the Office of The Liquidation Clerk, [www.hicilclerk.org](http://www.hicilclerk.org).

You should also be aware that a state guaranty association might afford coverage. Guaranty associations are funds created pursuant to state statute to address certain categories of claims in the event that an insurance company is declared insolvent, as in the present situation. We will send your claim notification to the \_\_\_\_\_ for consideration of your claim. You should contact them to ascertain if they can pay your claim(s). Further information regarding state guaranty associations can be found on the web site for the National Conference of Insurance Guaranty Funds at [www.ncigf.org](http://www.ncigf.org).

Contact me if you have any questions regarding the above.

Sincerely,

Ronald F. Barta

KG2004385